

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE

UNITED STATES OF AMERICA <u>ex rel.</u>)	
CARLA MARTIN,)	
)	
Plaintiffs,)	Civil Act. No. 98-2120-M/L (Under Seal)
)	
v.)	
)	
LINCARE HOLDINGS, INC.; SAM)	<u>FILED UNDER SEAL</u>
OWEN; LINDA WAGES AND)	
DOES 1-100;)	
)	
Defendants.)	
_____)	

**UNITED STATES' NOTICE OF ELECTION TO
INTERVENE IN PART AND DECLINE IN PART**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and (4), the United States notifies the Court of its election to partially intervene in this action for purposes of settlement, and to decline to intervene in the remainder of the action. The United States intervenes in that part of the action which alleges that defendant Lincare Holdings, Inc. (“Lincare”) submitted claims for payment for oxygen services to Medicare that were false because they were based on qualifying tests performed by Lincare employees in violation of Medicare regulations, as set forth in paragraph 19.A. of relator’s complaint. The United States declines to intervene in the remainder of this action.

With this notice, the United States is also filing a stipulation of partial dismissal, together with relator, and an accompanying order dismissing this action in part, and providing for the

lifting of the seal.

Respectfully Submitted,

PETER D. KEISLER
Assistant Attorney General
Civil Division

DAVID KUSTOFF
United States Attorney
for the Western District of Tennessee

s/ William W. Siler, (TN Bar #07194)
Assistant United States Attorney
for the Western District of Tennessee
United States Department of Justice
167 North Main Street, Suite 800
Memphis, TN 38103
(901) 544-4231

s/MICHAEL F. HERTZ
POLLY A. DAMMANN
DAVID B. WISEMAN
Attorneys, Civil Division
Department of Justice
Post Office Box 261
Ben Franklin Station
Washington, DC 20044
Tel: (202) 514-0132
Fax: (202) 307-3852

Counsel for the United States of America

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by U.S. mail, postage prepaid on May 19, 2006 on the following counsel:

Mark A. Kleiman
1640 5th St., Suite 214
Santa Monica, CA 90413

Counsel for Relator

s/William W. Siler
Assistant U.S. Attorney